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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,402	04/20/2004	Adil A. Sherwani	MSI-2031US	4518
22801 7590 08/04/2009 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER				
SEYE, ABDOUK				
ART UNIT		PAPER NUMBER		
2194				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/828,402

**Applicant(s)**

SHERWANI, ADIL A.

**Examiner**

Abdou Karim Seye

**Art Unit**

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11-16, 18, 19, 27-29, 31-33 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 18, 19, 27-29, 31-33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/11/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-9, 11-16, 18-19, 27-29, 31-33 and 35-37 are pending in this application.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-16, 18-19, 27-29, 31-33 and 35-37 are rejected under 35 U.S.C. 103 (a) as unpatentable over Amini et al. (US 6581102) in view of Reisman (US 20040031058).

4. As to claim 14, Amini teaches the invention substantially as claimed including a method comprising:

listening at an application programming interface (109, FIG 1/2; wherein the application server including the API) for notification indicating that a change is to be

made to a first topology of software components (FIG. 2; col. 5, lines 64-67, col. 6, lines 1-18; wherein the graph in FIG. 2 coupled with filters and pipes include the first topology; and col. 1, lines 35-40; col. 2, lines 60-65 ; col. 18, lines 45-53; wherein the notification of changes of the filters state is the indication of change to the graph/topology) that is:

capable of streaming media ( col. 5, lines 5-25; "streaming media objects"); and

has an execution state relative to the streaming media ( col. 18, lines 45-67; wherein the pause is execution state of the streaming media);

reconfiguring the first topology in accordance with the indicated change to form a second said topology ( col. 18, lines 50-52; wherein the pause affecting the pipes it traverses indicates the change/reconfigure the graph/topology; FIG. 2; wherein a second graph/topology is formed) ; and

wherein each said execution state includes execution characteristics that relate to the streaming media and are selected from the group consisting of: start; pause; fast forward; rewind; slow motion; and position in the streaming media (FIG. 1; "control command" ; wherein control command of a media stream are known in the art to include start; pause; fast forward; rewind; slow motion; and position in the streaming media col. 18, 10-15; lines 30; lines 50-67; col. 20, lines 6-23).

5. Amini does not explicitly teach initializing the second said topology to have an execution state that matches the execution state of the first topology, wherein at least

one of the first or the second said topology have said software components that are distributed on a plurality of computing devices.

6. Reisman teaches, having an execution state of a topology moved/changed to match the execution state of a second topology distributed on TV, PC/ computing devices ( FIG. 1; FIG. 2b; "state exporter", FIG. 5; paragraph 361 371; wherein the execution state of the streaming media is exported ). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Amini's invention with Reisman's to to have an execution state that matches the execution state of the first topology, wherein the software components of the topology is distributed on a plurality of computing devices, because it would increase the efficiency of Amini's system by providing a simpler method of migrating application by migrating execution states and reduce cost associated on each application.

7. As to claim 15, Reisman teaches, wherein the plurality of computing devices is communicatively coupled via a network ( 128, FIG. 1; "home network/LAN").

8. As to claim 16, Reisman teaches, wherein the at least one of the first or second topology have said software components that are distributed on a plurality of computing devices such that: one said software component is located on a first said computing device (130, FIG. 1; wherein the TV device is known to include software component);

and another said software component is located on a second said computing device (140, FIG. 1; wherein the PC device is known to include software components).

9. As to claim 18, Amini teaches registering to receive the notification from an operating system (col. 5, lines 58-59; col. 15, lines 31-33; wherein the identifying the filter is registering ; col. 8, lines 22-29; col. 18, lines 45-52; receiving the notification of change; FIG. 1, "control commands" , col. 19, lines 12-20; wherein the control command include the operating system that generate the notification of change)

10. As to claim 19, it is a product claim rejected for the same reason as claim 14 above.

11. As to claims 27-29, they are rejected for the same reasons as claims 14, 16 and 18 above.

12. As to claim 31, Reisman teaches , wherein the computing device is communicatively coupled to the other computing device via an Internet (124, FIG. 1; "internet").

13. As to claim 32, it is rejected for the same reasons as claims 18 above.
14. As to claims 33 and 35, it is rejected for the same reasons as claim 14 and 18 above.
15. As to claim 36, it is rejected for the same reasons as claims 31 above.
16. As to claim 37, it is rejected for the same reasons as claims 14 above.
17. As to claims 1-2, they are rejected for the same reasons as claims 14 and 18 above.
18. As to claim 3, Amini teaches, wherein the notification is provided by an application (207, FIG. 2; wherein the control application is the application).
19. As to claim 4, Amini teaches wherein the notification is provided by one or more streaming media software components of the topology (212, FIG. 2; wherein the control server is known to include software components).

20. As to claim 5, Amini teaches, wherein the change includes at least one of adding or removing one or more streaming media software components to the topology ( col. 7, lines 35-37; wherein "add filter" includes adding media software component ).

21. As to claim 6, Amini teaches, wherein the change includes at least one of adding or removing one or more said streaming media software components to the topology that render streaming media (101, FIG.1; wherein the client display include rendering of the stream media).

22. As to claim 7, Amini teaches, wherein the change includes at least one of adding or removing one or more streaming media software components to the topology that source streaming media (112, FIG. 1; wherein the file system couple with the database 113 include the source of the media stream).

23. As to claim 8, Amini teaches wherein the change includes at least one of adding or removing one or more streaming media software components to the topology that handle streaming media (111, FIG. 1; wherein the data pump includes handling of stream media).

24. As to claim 9, Amini teaches, wherein the topology of streaming media software components include: one or more media sources individual ones of which serving as a



source of streaming media (112, FIG. 1; wherein the file system couple with the database 113 include the source of the media stream) ;  
one or more transforms communicatively linked with the one or more media sources (104, fig. 1; wherein the player translate/transform the media) and configured to handle the streaming media from the one or more media sources (111, FIG. 1; wherein the data pump includes handling of stream media); and  
one or more media sinks configured to sink the streaming media from the one or more transforms (col. 13, lines 60-67).

25. As to claims 11-13, they are rejected for the same reasons as claim 14 above.

### **Conclusion.**

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Karim Seye whose telephone number is 571-270-1062. The examiner can normally be reached on Monday - Friday 8:30 - 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 5712726799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/  
Supervisory Patent Examiner, Art Unit 2194  
08/03/09

/Abdou Karim Seye/  
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